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10/804,199	03/19/2004	Ken Mashitani	65933-077	6534

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Washington, DC 20005-3096

EXAMINER
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POPHAM, JEFFREY D

ART UNIT	PAPER NUMBER
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2437

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11/04/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/804,199	<b>Applicant(s)</b> MASHITANI ET AL.	
	<b>Examiner</b> JEFFREY D. POPHAM	<b>Art Unit</b> 2437	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 August 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 3-7 and 10-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3-7 and 10-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

***Remarks***

Claims 3-7 and 10-19 are pending.

***Response to Arguments***

1. Applicant's arguments with respect to claims 3-7 and 10-19 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 3, 4, 10, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swift (U.S. Patent Application Publication 2002/0122585) in view of Buxton (U.S. Patent 6,937,730).

Regarding Claim 3,

Swift discloses a 3D image displaying method comprising:

Determining whether a 3D stereoscopic image content can be reproduced as a 3D stereoscopic image (Paragraphs 36-46);

Reproducing the content as a 3D stereoscopic image when it is determined that the content can be reproduced as a 3D stereoscopic image (Paragraphs 36-46); and

Switching to a process for reproducing the content with a restriction when it is determined that the content cannot be reproduced as a 3D stereoscopic image (Paragraphs 36-46);

Wherein when the 3D stereoscopic image content contains multiple image data which correspond respectively to multiple viewpoints and the multiple image data includes unencrypted image data which correspond to at least two viewpoints and reproducing the content as a 3D stereoscopic image using the unencrypted image data which corresponds to at least two viewpoints (Paragraphs 36-46);

But does not explicitly disclose encrypted image data which correspond to one or more viewpoints.

Buxton, however, discloses multiple image data that includes unencrypted image data and encrypted image data which correspond to one or more viewpoints, the process for reproducing the content with a restriction is a process for reproducing the content as a 3D stereoscopic image using the unencrypted image data which corresponds to at least two viewpoints (Abstract; Figure 5; Column 3, lines 21-50; Column 5, line 46 to Column 6, line 12; and Column 8, lines 4-22). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the content-specific conditional access system of Buxton into the stereoscopic media delivery system of Swift in order to allow the system to obfuscate content in such a way that only authorized entities

may view the complete content, while allowing multiple levels of access, such that untrusted entities may be able to view a certain version while trusted entities can view other versions related to ratings (e.g. NC-17, R, and PG-13) and user preferences, thereby hiding objectionable and/or sensitive data from entities that should not be allowed to view such.

Regarding Claim 10,

Claim 10 is a computer readable storage medium claim that is broader than method claim 3 and is rejected for the same reasons.

Regarding Claim 4,

Swift discloses a 3D image display method comprising:

Determining whether a 3D stereoscopic image content can be reproduced as a 3D stereoscopic image (Paragraphs 36-46);

Reproducing the content as a 3D stereoscopic image when it is determined that the content can be reproduced as a 3D stereoscopic image (Paragraphs 36-46);

Switching to a process for reproducing the content with a restriction when it is determined that the content cannot be reproduced as a 3D stereoscopic image (Paragraphs 36-46);

Wherein when the 3D stereoscopic image content contains original multiple image data which correspond respectively to multiple viewpoints and other multiple image data which correspond respectively to the multiple viewpoints (Paragraphs 36-46);

But does not explicitly disclose that the process for reproducing the content with a restriction is a process for adding the respective other image data to the respective original image data for the respective viewpoints so as to generate new multiple image data which correspond respectively to the multiple viewpoints and reproducing the content as a 3D stereoscopic image using the generated new multiple image data in such a manner that another 3D stereoscopic image appears in front of the range where an original 3D stereoscopic image can be observed.

Buxton, however, discloses that 3D image content contains original multiple image data which correspond respectively to multiple viewpoints and other multiple image data which correspond respectively to the multiple viewpoints, the process for reproducing the content with a restriction is a process for adding the respective other image data to the respective original image data for the respective viewpoints so as to generate new multiple image data which correspond respectively to the multiple viewpoints and reproducing the content as a 3D image using the generated new multiple image data in such a manner that another 3D image appears in front of the range where an original 3D image can be observed (Abstract; Figure 3; Column 3, line 51 to Column 4, line 18; Column 4, line 56 to Column 5, line 16; Column 7, lines 10-26; and Column 8, lines 4-22). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the content-

specific conditional access system of Buxton into the stereoscopic media delivery system of Swift in order to allow the system to obfuscate content in such a way that only authorized entities may view the complete content, while allowing multiple levels of access, such that untrusted entities may be able to view a certain version while trusted entities can view other versions related to ratings (e.g. NC-17, R, and PG-13) and user preferences, thereby hiding objectionable and/or sensitive data from entities that should not be allowed to view such.

Regarding Claim 11,

Claim 11 is a computer readable storage medium claim that is broader than method claim 4 and is rejected for the same reasons.

3. Claims 5, 6, and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swift in view of Buxton, further in view of White (U.S. Patent Application Publication 2003/0009669).

Regarding Claim 5,

Swift as modified by Buxton discloses the method of claim 3, in addition, Swift discloses reproducing the content as a 3D stereoscopic image (Paragraphs 36-44); but does not explicitly disclose obtaining a key for reproducing the content when it is determined that the content cannot be reproduced properly.

White, however, discloses obtaining a key for reproducing the content when it is determined that the content cannot be reproduced properly without such a key (Paragraphs 37-42 and 47-51). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the uniquely client-associated content of White into the stereoscopic media delivery system of Swift as modified by Buxton in order to allow the system to broadcast content to many devices, while maintaining explicit knowledge of which particular client has decrypted the content, thereby providing a way to identify users and/or devices that illegally (or legally) use and/or distribute the content.

Regarding Claim 6,

Swift as modified by Buxton and White discloses the method of claim 5, in addition, White discloses that the content is encoded by the key, and further comprising decoding the content by using the key in reproducing the content (Paragraphs 37-42 and 47-51).

Regarding Claim 12,

Swift as modified by Buxton discloses the storage medium of claim 10, in addition, Swift discloses reproducing the content as a 3D stereoscopic image (Paragraphs 36-44), but does not explicitly disclose obtaining a key for reproducing the content by accessing a server which offers the content.



White, however, discloses obtaining a key for reproducing the content by accessing a server which offers the content (Paragraphs 37-42 and 47-51). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the uniquely client-associated content of White into the stereoscopic media delivery system of Swift as modified by Buxton in order to allow the system to broadcast content to many devices, while maintaining explicit knowledge of which particular client has decrypted the content, thereby providing a way to identify users and/or devices that illegally (or legally) use and/or distribute the content.

Regarding Claim 13,

Swift as modified by Buxton and White discloses the storage medium of claim 12, in addition, White discloses that obtaining the key is performed when it is determined that the content cannot be reproduced (Paragraphs 37-42 and 47-51); and Swift discloses reproducing the content as a 3D stereoscopic image (Paragraphs 36-44).

Regarding Claim 14,

Swift as modified by Buxton and White discloses the storage medium of claim 12, in addition, White discloses that the content is encoded by the key, and reproducing the content includes decoding the content by using the key (Paragraphs 37-42 and 47-51); and Swift

discloses reproducing the content as a 3D stereoscopic image  
(Paragraphs 36-44).

4. Claims 7 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swift in view of Buxton and White, further in view of Glover (U.S. Patent 6,185,686).

Regarding Claim 7,

Swift as modified by Buxton and White discloses the method of claim 5, in addition, Swift discloses reproducing the content as a 3D stereoscopic image (Paragraphs 36-44); but does not explicitly disclose that a program for reproducing the content is encoded by the key, and further comprising decoding the program by using the key in reproducing the content.

Glover, however, discloses that a program for reproducing content is encoded by a key, and further comprising decoding the program by using the key in reproducing the content (Column 8, line 51 to Column 9, line 54; Column 11, lines 38-65; and Column 21, line 61 to Column 22, line 8). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the self-decrypting product of Glover into the stereoscopic media delivery system of Swift as modified by Buxton and White in order to allow the system to protect the program used to reproduce the content, such that only authorized parties may obtain access to such a program via passwords, authorization codes, encryption

keys, and the like in addition to the content itself being encrypted, thereby providing an additional layer of security to the system.

Regarding Claim 15,

Swift as modified by Buxton and White discloses the storage medium of claim 12, in addition, Swift discloses reproducing the content as a 3D stereoscopic image (Paragraphs 36-44); but does not explicitly disclose that a program module for reproducing content is encoded by a key, and switching the reproduction process includes decoding the program module using the key.

Glover, however, discloses that a program module for reproducing content is encoded by a key, and switching the reproduction process includes decoding the program module using the key (Column 8, line 51 to Column 9, line 54; Column 11, lines 38-65; and Column 21, line 61 to Column 22, line 8). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the self-decrypting product of Glover into the stereoscopic media delivery system of Swift as modified by Buxton and White in order to allow the system to protect the program used to reproduce the content, such that only authorized parties may obtain access to such a program via passwords, authorization codes, encryption keys, and the like in addition to the content itself being encrypted, thereby providing an additional layer of security to the system.

5. Claims 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swift in view of Buxton and White, further in view of Cookson (U.S. Patent 6,771,888).

Regarding Claim 16,

Swift as modified by Buxton and White discloses the storage medium of claim 12, in addition, Swift discloses reproducing the content as a 3D stereoscopic image (Paragraphs 36-44), but does not explicitly disclose an encoded identification code, wherein it is determined whether the content can be reproduced by decoding the encoded identification code using the key.

Cookson, however, discloses an encoded identification code, wherein it is determined whether the content can be reproduced by decoding the encoded identification code using the key (Column 19, line 18 to Column 20, line 20; and Column 27, line 51 to Column 28, line 30). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the video authorization system of Cookson into the stereoscopic media delivery system of Swift as modified by Buxton and White in order to allow a piece of content to be authorized for use with particular standards, aspect ratios, and the like, but not others, thereby enabling fine-grained control over which devices and users can access and view the content, in a way that is cryptographically

secured, such that illegal content creation and use may be determined easily.

Regarding Claim 17,

Swift as modified by Buxton, White, and Cookson discloses the storage medium of claim 16, in addition, Cookson discloses an unencoded identification code as well as the encoded identification code, wherein it is determined whether the content can be reproduced by decoding the encoded identification code using the key and comparing the decoded identification code with the unencoded identification code (Column 19, line 18 to Column 20, line 20; and Column 27, line 51 to Column 28, line 30).

Regarding Claim 18,

Swift as modified by Buxton and White discloses the storage medium of claim 12, in addition, Swift discloses reproducing the content as a 3D stereoscopic image (Paragraphs 36-44), but does not explicitly disclose obtaining an encoded identification code from an image filter for viewing the content stereoscopically, wherein it is determined whether the content can be reproduced by decoding the encoded identification code using the key.

Cookson, however, discloses obtaining an encoded identification code from an image filter for viewing the content stereoscopically, wherein it is determined whether the content can be reproduced by decoding the encoded identification code using the key (Column 19, line 18 to Column

20, line 20; and Column 27, line 51 to Column 28, line 30). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the video authorization system of Cookson into the stereoscopic media delivery system of Swift as modified by Buxton and White in order to allow a piece of content to be authorized for use with particular standards, aspect ratios, and the like, but not others, thereby enabling fine-grained control over which devices and users can access and view the content, in a way that is cryptographically secured, such that illegal content creation and use may be determined easily.

Regarding Claim 19,

Swift as modified by Buxton, White, and Cookson discloses the storage medium of claim 18, in addition, Cookson discloses obtaining an unencoded identification code as well as the encoded identification code, wherein it is determined whether the content can be reproduced by decoding the encoded identification code using the key and comparing the decoded identification code with the unencoded identification code (Column 19, line 18 to Column 20, line 20; and Column 27, line 51 to Column 28, line 30).

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEFFREY D. POPHAM whose telephone number is (571)272-7215. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571)272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jeffrey D Popham  
Examiner  
Art Unit 2437

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